

SUBJECT: BIAS-BASED PROFILING PROHIBITED		GENERAL ORDER: 113
EFFECTIVE DATE: January 1, 2012		PAGE 1 of 2
REVISION DATE: October 24, 2017	Edward Preston , Chief of Police	
CROSS REFERENCE: WVC §30-29-10		
REPLACES: G.O. 5.15		

113.01	<u>Purpose</u>	113.05	<u>Supervisory Responsibilities</u>
113.02	<u>Policy</u>	113.06	<u>Administrative Review</u>
113.03	<u>Bias-Based Profiling Prohibited</u>	113.07	<u>Internal Affairs Review</u>
113.04	<u>Mandatory Training</u>		

113.01 Purpose: The Morgantown Police Department is committed to the highest standard of courtesy and professionalism in all contacts with the public and between employees in the workplace. Bias for or against any person because of race, gender, religion, politics, ethnicity, national origin, life-style, economic status, age, culture or other identifiable group characteristic, or similar personal characteristics **IS PROHIBITED**. Employees must avoid taking action or using language that is reasonably understood to be derogatory to any such group, or reflects bias for or against any such group.

113.02 Policy: The West Virginia Legislature has declared that racial profiling as a law enforcement tactic is contrary to public policy and should not be used as an investigative strategy. No officer employed by this department will engage in racial profiling. At the same time, it is the policy of this department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce all laws. The department insists, however, that citizens will only be stopped or detained where there exists reasonable suspicion to believe they have committed, are committing or about to commit an infraction of the law.

113.03 Bias-Based Profiling Prohibited: Stopping a vehicle or person, issuing a citation, searching a person or vehicle, making an arrest, or taking any action in traffic contacts, field contacts, seizing assets or initiating the forfeiture of property **solely** because of race, ethnicity, national origin, or any other group characteristic of an individual **IS PROHIBITED**.

113.04 Mandatory Training: Annually all officers must successfully complete the Legal Update Legal Update training will include a focus on prohibiting bias-based profiling, ethnic or cultural diversity, community relations, and professionalism toward the public and in the workplace, in legal aspects of bias-based profiling.

113.05 Supervisory Responsibilities: Supervisors must:

- A Enforce this policy as it applies to all employees.
- B Ensure the requirements of WVC §30-29-10 are understood and complied with by subordinate officers.
- C Counsel and correct employees concerning any action or language that reasonably indicates bias prohibited by this policy or a violation of this policy.

113.06 **Administrative Review:** All sworn supervisors must continually monitor Traffic Stop Data submitted by subordinate officers to be alert to any pattern or practices suggesting a violation of this policy.

The Operations Division Commander shall annually document an administrative review of Traffic Stop Data to determine patterns or practices in law enforcement activities that suggest a violation of this policy. Disparities should be investigated to determine if policy violations have occurred. The report will be forwarded to the Office of the Chief.

113.07 **Internal Affairs Review:** All complaints alleging bias in action or language must be documented and investigated promptly, thoroughly, and impartially. If a complaint is sustained, appropriate disciplinary action must be taken and documented to ensure future violations by the same employee will not occur.

Remedial training and counseling may be required whenever an employee has engaged in conduct or used language that is reasonably interpreted as violating this policy. A serious, intentional violation of this policy may result in disciplinary action that may include suspension, demotion, or termination.

END

Revised: 10/24/2011